

Change of Zone 3283

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code by
2 amending Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, and 27.19.040 to allow
3 adult care centers to be approved as permitted special uses in the R-1, R-2, R-3, R-4, and R-5
4 zoning districts, respectively, and adding a new section numbered 27.63.740 to provide
5 conditions for such approval; and repealing Sections 27.11.040, 27.13.040, 27.15.040,
6 27.17.040, and 27.19.040 as hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 27.11.040 of the Lincoln Municipal Code be amended
9 to read as follows:

10 **27.11.040 Permitted Special Uses.**

11 A building or premises may be used for the following purposes in the R-1 Residential
12 District if a special permit for such use has been obtained in conformance with the require-
13 ments of Chapter 27.63:

- 14 (a) Community unit plans in conformance with Chapter 27.65;
- 15 (b) Private schools, other than those permitted under Section 27.11.020(e) above;
- 16 (c) Health care facilities;
- 17 (d) Dwellings for members of religious orders;
- 18 (e) Mobile home courts;
- 19 (f) Recreational facilities;
- 20 (g) Church steeples, amateur radio antenna installations, towers, and ornamental
21 spires which exceed the maximum district height;
- 22 (h) Broadcast towers;
- 23 (i) Certain parking lots as defined in Chapter 27.63;

- (j) Elderly or retirement housing;
- (k) Expansion of nonconforming uses;
- (l) Historic preservation;
- (m) Public utility purposes;
- (n) Wind energy conversion systems;
- (o) Mobile home subdivisions;
- (p) Housing and related facilities for the physically handicapped;
- (q) Outdoor seasonal sales;
- (r) Cemeteries;
- (s) Churches; increased lot coverage;
- (t) Domiciliary care facility;
- (u) Expansion of nonstandard single and two-family dwellings into required yards;
- (v) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.11.030;
- (w) Neighborhood support services;
- (x) Clubs;
- (y) Dwelling units for domestic employees in accessory buildings;
- (z) Connection of single-family dwelling to accessory building for the physically handicapped;
- (aa) Adult care centers.

Section 2. That Section 27.13.040 of the Lincoln Municipal Code be amended to read as follows:

27.13.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the R-2 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Community unit plans in conformance with Chapter 27.65;
- (b) Private schools, other than those permitted under Section 27.13.020(e) above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, amateur radio antenna installations, towers, and ornamental
spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Certain parking lots as defined in Chapter 27.63;
- (j) Elderly or retirement housing;
- (k) Expansion of nonconforming uses;
- (l) Historic preservation;
- (m) Public utility purposes;
- (n) Wind energy conversion systems;
- (o) Mobile home subdivisions;
- (p) Housing and related facilities for the physically handicapped;
- (q) Outdoor seasonal sales;
- (r) Cemeteries;
- (s) Churches; increased lot coverage;
- (t) Domiciliary care facility;
- (u) Expansion of nonstandard single and two-family dwellings into required yards;
- (v) Early childhood care facilities with sixteen or more children, or with fifteen or
fewer children not meeting the specified conditions for a permitted conditional use under
Section 27.13.030.;
- (w) Neighborhood support services;
- (x) Clubs;

1 (y) Connection of single-family dwelling to accessory building for the physically
2 handicapped;

3 (z) Garden centers;

4 (aa) Adult care centers.

5 Section 3. That Section 27.15.040 of the Lincoln Municipal Code be amended
6 to read as follows:

7 **27.15.040 Permitted Special Uses.**

8 A building or premises may be used for the following purposes in the R-3 Residential
9 District if a special permit for such use has been obtained in conformance with the
10 requirements of Chapter 27.63:

11 (a) Community unit plans in conformance with the following requirements:

12 (1) The average lot area shall be at least 5,000 square feet;

13 (2) All the requirements of Chapter 27.65.

14 (b) Private schools, other than those permitted under Section 27.15.020(e) above;

15 (c) Health care facilities;

16 (d) Dwellings for members of religious orders;

17 (e) Mobile home courts;

18 (f) Recreational facilities;

19 (g) Church steeples, amateur radio antenna installations, towers, and ornamental
20 spires which exceed the maximum district height;

21 (h) Broadcast towers;

22 (i) Extracting sand, gravel, and soil;

23 (j) Certain parking lots as defined in Chapter 27.63;

24 (k) Elderly or retirement housing;

25 (l) Expansion of nonconforming uses;

26 (m) Historic preservation;

27 (n) Garden centers;

- (o) Public utility purposes;
- (p) Wind energy conversion systems;
- (q) Mobile home subdivisions;
- (r) Housing and related facilities for the physically handicapped;
- (s) Greenhouses;
- (t) Outdoor seasonal sales;
- (u) Cemeteries;
- (v) Churches; increased lot coverage;
- (w) Domiciliary care facility;
- (x) Expansion of nonstandard single and two-family dwellings into required yards;
- (y) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.15.030;
- (z) Neighborhood support services;
- (aa) Clubs
- (bb) Connection of single-family dwelling to accessory building for the physically handicapped;
- (cc) Adult care centers.

Section 4. That Section 27.17.040 of the Lincoln Municipal Code be amended to read as follows:

27.17.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the R-4 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Community unit plans in conformance with Chapter 27.65;
- (b) Private schools, other than those permitted under Section 27.17.020(e) above;
- (c) Health care facilities;

- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Certain parking lots as defined in Chapter 27.63;
- (j) Clubs;
- (k) Elderly or retirement housing;
- (l) Expansion of nonconforming uses;
- (m) Historic preservation;
- (n) Public utility purposes;
- (o) Wind energy conversion systems;
- (p) Mobile home subdivisions;
- (q) Housing and related facilities for the physically handicapped;
- (r) Outdoor seasonal sales;
- (s) Cemeteries;
- (t) Churches; increased lot coverage;
- (u) Domiciliary care facility;
- (v) Expansion of nonstandard single and two-family dwellings into required yards;
- (w) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.17.030;
- (x) Neighborhood support services;
- (y) Connection of single-family dwelling to accessory building for the physically handicapped;
- (z) Adult care centers.

1 Section 5. That Section 27.19.040 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **27.19.040 Permitted Special Uses.**

4 A building or premises may be used for the following purposes in the R-5 Residential
5 District if a special permit for such use has been obtained in conformance with the
6 requirements of Chapter 27.63:

- 7 (a) Private schools, other than those permitted under Section 27.19.020(g) above;
- 8 (b) Health care facilities;
- 9 (c) Dwellings for members of religious orders;
- 10 (d) Recreational facilities;
- 11 (e) Church steeples, amateur radio antenna installations, towers, and ornamental
12 spires which exceed the maximum district height;
- 13 (f) Broadcast towers;
- 14 (g) Certain parking lots as defined in Chapter 27.63;
- 15 (h) Clubs;
- 16 (i) Elderly or retirement housing;
- 17 (j) Community unit plans in conformance with Chapter 27.65;
- 18 (k) Expansion of nonconforming uses;
- 19 (l) Historic preservation;
- 20 (m) Public utility purposes;
- 21 (n) Wind energy conversion systems;
- 22 (o) Housing and related facilities for the physically handicapped;
- 23 (p) Outdoor seasonal sales;
- 24 (q) Cemeteries;
- 25 (r) Churches; increased lot coverage;
- 26 (s) Domiciliary care facility;
- 27 (t) Expansion of nonstandard single and two-family dwellings into required yards;

1 (u) Early childhood care facilities with sixteen or more children, or with fifteen or
2 fewer children not meeting the specified conditions for a permitted conditional use under
3 Section 27.19.030;

4 (v) Neighborhood support services;

5 (w) Connection of single-family dwelling to accessory building for the physically
6 handicapped;

7 (x) Adult care centers.

8 Section 6. That Chapter 27.63 of the Lincoln Municipal Code be amended by
9 adding a new section numbered 27.63.740 to read as follows:

10 **27.63.740 Permitted Special Use: Adult Care Center.**

11 Adult care centers may be allowed by special permit in the R-1, R-2, R-3, R-4, or R-5
12 zoning districts under the following conditions:

13 (a) The application shall be accompanied by the following information:

14 (1) The number of adults and number of staff members on the largest shift;

15 (2) A physical description of the facility and a site plan drawn to scale that
16 includes, but is not limited to, the location and arrangement of parking spaces, the traffic
17 circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to
18 such facility;

19 (3) If the proposed facility is for twenty-one or more adults and is located in
20 a residential district, the application must also include a conversion plan which complies with
21 the design standards for early childhood care facilities.

22 (b) Prior to occupancy, such facilities shall comply with all applicable state and
23 local adult care center and building requirements.

24 (c) Facilities with twenty-one to thirty adults shall be located on collector or arterial
25 streets. Facilities with thirty-one or more adults shall be located on an arterial street. The
26 location of such facilities on such streets shall comply with the design standards for early
27 childhood care facilities.

1 (d) The site plan and play area for such facilities shall comply with the design
2 standards for early childhood care facilities.

3 (e) The parking and loading/unloading area for such facilities shall comply with the
4 provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such
5 parking and loading/unloading areas shall comply with the design standards for early
6 childhood care facilities.

7 (f) The City Council may modify these conditions, except for condition (b) set forth
8 above.

9 Section 7. That Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, and
10 27.19.040 of the Lincoln Municipal Code as hitherto existing be and the same are hereby
11 repealed.

12 Section 8. That this ordinance shall take effect and be in force from and after
13 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant